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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,186	02/14/2002	Gary Scott Fallowes	HJH/FAL	7262
7	7590 04/09/2004 EXAMINER		INER	
Herman Hohauser			YEUNG, GEORGE CHAN PUI	
6212 Berlee Drive Alexandria, VA 22312			ART UNIT	PAPER NUMBER
Alexandria, V	A 22312		1761	
			DATE MAILED: 04/09/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

			AS
	Application No.	Applicant(s)	,,,,,
	10/075,186	FALLOWES, GARY SCOTT	
Office Action Summary	Examiner	Art Unit	
	George C Yeung	1761	
The MAILING DATE of this communication a	appears on the cover sheet t	with the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REI THE MAILING DATE OF THIS COMMUNICATION Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a If NO period for reply is specified above, the maximum statutory per Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the may be arrived patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may be reply within the statutory minimum of the dwill apply and will expire SIX (6) Moved cause the application to become	a reply be timely filed hirty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on _			
	This action is non-final.	atters incosecution as to the merits is	
3) Since this application is in condition for allo closed in accordance with the practice under	wance except for formal ma er Ex narte Quavle 1935 C	.D. 11, 453 O.G. 213.	
Closed III accordance with the practice and	of Expants quajio, 1000 c		
Disposition of Claims			
4) Claim(s) <u>1-31</u> is are pending in the applicat	ion.		
4a) Of the above claim(s) is/are with	drawn from consideration.		
5) Claim(s) is/are allowed.			-
6) Claim(s) is/are rejected.			
7) Claim(s) is/are objected to. 8) Claim(s) <u>1-31</u> are subject to restriction and	/or election requirement.		
	,		
Application Papers			
9) The specification is objected to by the Exam	niner. .accepted or b\□ objected	to by the Examiner.	
10) The drawing(s) filed on is/are: a) Applicant may not request that any objection to	the drawing(s) he held in ahe	vance See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the co	rrection is required if the draw	ng(s) is objected to. See 37 CFR 1.121(d)	
11) The oath or declaration is objected to by th	e Examiner. Note the attac	ned Office Action or form PTO-152.	
Priority under 35 U.S.C. § 119		0 440(a) (d) (f)	
12) Acknowledgment is made of a claim for for	eign priority under 35 U.S.C	;, § 119(a)-(a) or (ī).	
a) ☐ All b) ☐ Some * c) ☐ None of:			
1. Certified copies of the priority docum	nents have been received.	Application No	
2. Certified copies of the priority docum	nents have been received i	on received in this National Stage	
3. Copies of the certified copies of the	priority documents have be	THE TRACTION OF THE TRACTION O	
application from the International Bu * See the attached detailed Office action for a	a list of the certified copies	not received.	
* See the attached detailed Office action for a	a not of the contined copied		
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Attachment(s)	4) 🔲 Intervi	ew Summary (PTO-413)	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-946)	Paper	No(s)/Mail Date	
3) Information Disclosure Statement(s) (PTO-1449 or PTO/S	B/08) 5) 브 Notice	of Informal Patent Application (PTO-152)	
Paper No(s)/Mail Date	-/ LJ - 3.1411		

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Numbering of Claims

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 27 (second occurrence) has been renumbered as claim 28.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14, 21-23, 28 and 29 drawn to a method of food preparation, classified in class 426, subclass 523.
- II. Claims 15-20, 24-27, 30 and 31, drawn to a food preparation apparatus, classified in class 99, subclass 420.

The inventions are distinct, each from the other because:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus of Group II as claimed can be used to practice another and materially different process, e.g. for use in holding clothes or tobacco

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leaves for drying. Moreover, the method of Group I as claimed can be practiced without the specifics of the Group II apparatus such as a top surface, a bottom surface,

a guide rail positioned parallel to and between the top and bottom surfaces having a

front end and a back end, food carrying means having a base that is mounted on the

guide rail, a grease pan, a coiled drive means supported by the guide rail, carrier means

located between adjacent coils of the drive means, and a plurality of magnets are

spaced on the guide rail in predetermined non-linear locations.

If applicant elects the apparatus of Group II (claims 15-20, 24-27, 30 and 31), the

following species restriction is further applied:

This application contains claims directed to the following patentably distinct

species of the claimed invention:

Species A depicted in Figure 1 and recited in claims 15-17 and 24.

Species B depicted in Figure 5 and recited in claims 18-20.

Species C depicted in Figure 3 and recited in claims 25-27, 30 and 31.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for

prosecution on the merits to which the claims shall be restricted if no generic claim is

finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification

of the species that is elected consonant with this requirement, and a listing of all claims

readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the response to this requirement to be complete must include an election of the invention (and species if applicable) to be examined even though the requirement be traversed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Yeung whose telephone number is (571) 272-1412. The examiner can normally be reached on Monday-Friday from 10:30 AM to 7:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0987.

G. C. Yeung/af March 31, 2004

GEORGE C.YEUNG PRIMARY EXAMINER

Georg. Young